

## § 253.1

SOURCE: 57 FR 60954, Dec. 22, 1992, unless otherwise noted. Redesignated at 59 FR 23993, May 9, 1994.

### § 253.1 General.

This part 253 establishes terms and rates of royalty payments for certain activities using published nondramatic musical works and published pictorial, graphic and sculptural works during a period beginning on January 1, 2003, and ending on December 31, 2007. Upon compliance with 17 U.S.C. 118, and the terms and rates of this part, a public broadcasting entity may engage in the activities with respect to such works set forth in 17 U.S.C. 118(d).

[57 FR 60954, Dec. 22, 1992. Redesignated at 59 FR 23993, May 9, 1994, as amended at 63 FR 2144, Jan 14, 1998; 67 FR 77171, Dec. 17, 2002]

### § 253.2 Definition of public broadcasting entity.

As used in this part, the term *public broadcasting entity* means a non-commercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in 17 U.S.C. 118(d)(2).

### § 253.3 [Reserved]

### § 253.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d).

The following schedule of rates and terms shall apply to the performance by PBS, NPR and other public broadcasting entities engaged in activities set forth in 17 U.S.C. 118(d) of copyrighted published nondramatic musical compositions, except for public broadcasting entities covered by §§ 253.5 and 253.6, and except for compositions which are the subject of voluntary license agreements.

- (a) Determination of royalty rate. (1) For performance of such work in a feature presentation of PBS:  
2003–2007 ..... \$224.22
- (2) For performance of such a work as background or theme music in a PBS program:  
2003–2007 ..... \$56.81

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- (3) For performance of such a work in a feature presentation of a station of PBS:  
2003–2007 ..... \$19.16
- (4) For performance of such a work as background or theme music in a program of a station of PBS:  
2003–2007 ..... \$4.04
- (5) For the performance of such a work in a feature presentation of NPR:  
2003–2007 ..... \$22.73
- (6) For the performance of such a work as background or theme music in an NPR program:  
2003–2007 ..... \$5.51
- (7) For the performance of such a work in a feature presentation of a station of NPR:  
2003–2007 ..... \$1.61
- (8) For the performance of such a work as background or theme music in a program of a station of NPR:  
2003–2007 ..... \$.57
- (9) For purposes of this schedule the rate for the performance of theme music in an entire series shall be double the single program theme rate.
- (10) In the event the work is first performed in a program of a station of PBS or NPR, and such program is subsequently distributed by PBS or NPR, an additional royalty payment shall be made equal to the difference between the rate specified in this section for a program of a station of PBS or NPR, respectively, and the rate specified in this section for a PBS or NPR program, respectively.

(b) *Payment of royalty rate.* The required royalty rate shall be paid to each known copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year.

(c) *Records of use.* PBS and NPR shall, upon the request of a copyright owner of a published musical work who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner a reasonable opportunity to examine their standard cue sheets listing the nondramatic performances of musical compositions on